

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RONALD J. FREITAS
District Attorney of San Joaquin County
CELESTE KAISCH, STATE BAR NO. 234174
Deputy District Attorney
Consumer and Environmental Crimes Unit
222 E. Weber Avenue, Room 202
Stockton, CA 95202
Telephone: (209) 468-2400
Email: Celeste.Kaisch@sjcda.org

Attorneys for the People of the State of California
Additional Counsel on following page

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

STK-CV-~~103~~-2023- 3262

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

DOLLAR TREE STORES, INC., a Virginia
corporation,
DOLLAR TREE DISTRIBUTION, INC., a Virginia
corporation, and
FAMILY DOLLAR, LLC, a North Carolina
corporation,

Defendants.

CASE NO
**COMPLAINT FOR INJUNCTIVE
RELIEF, CIVIL PENALTIES, AND
OTHER RELIEF**

(Bus. & Prof. Code, § 17200 et seq.)

Exempt from fees per Gov. Code, § 6103

FILED
SUPERIOR COURT
2023 APR -5 AM 10:41
BRANDON E. RILEY, CLERK
JANET MALDONADO
DEPUTY

1 ADDITIONAL COUNSEL FOR PLAINTIFF:

2 JASON ANDERSON
3 San Bernardino County District Attorney
4 STEPHANIE B. WEISSMAN, SBN 155454
5 Deputy District Attorney
6 303 West Third Street, 5th Floor
7 San Bernardino, CA 92415
8 Telephone: (909) 382-3800
9 Email: sweissman@sbcda.org

10 JEFF W. REISIG
11 Yolo County District Attorney
12 DAVID J. IREY, SBN 142864
13 Assistant Chief Deputy District Attorney
14 301 Second Street
15 Woodland, CA 95695-3415
16 Telephone: (530) 666-8180
17 Email: David.Irey@yolocounty.org

18
19
20
21
22
23
24
25
26
27
28

1 causes of action alleged in this Complaint arose, in part, out of Defendants' conduct in San Joaquin
2 County, California.

3 **GENERAL ALLEGATIONS**

4 9. Dollar Tree owned and/or operated stores in California at all relevant times.

5 10. Dollar Tree Distribution owned and/or operated distribution centers in California at all
6 relevant times.

7 11. Family Dollar owned and/or operated stores in California at all relevant times.

8 12. Defendants have sold and offered for sale outdated over-the-counter drugs after the
9 expiration date stamped or embossed on such products' containers.

10 13. Defendants did not maintain adequate procedures to ensure all of its locations
11 thoroughly verified and removed over-the-counter drug products whose expiration had passed from
12 its inventory of items available for sale to the public.

13 14. The sale and offering for sale of outdated over-the-counter drug products violates
14 Health and Safety Code section 110286.

15 15. The sale of outdated over-the-counter drug products constitutes unfair business
16 practices within the meaning of California Business and Professions Code section 17200.

17 **FIRST CAUSE OF ACTION**

18 **(Business & Professions Code, § 17200 et seq.)**

19 16. Plaintiff restates and incorporates all previous paragraphs.

20 17. Within four years of the date of commencement of this action, Defendants engaged in,
21 among other things, the following unlawful acts, omissions, and practices that constitute unfair
22 competition within the meaning of Business and Professions Code sections 17200 through 17208:

23 a. Defendants have sold and offered for sale outdated over-the-counter drugs after
24 their expiration date had passed, in violation of Health and Safety Code section
25 110286.

26 18. Each and every separate act in violation of this provision constitutes a separate
27 "business act or practice" of Business and Professions Code section 17200.

28 19. Based on the above, the People request injunctive relief against Defendants under

1 Business and Professions Code section 17203, and civil penalties against Defendants under Business
2 and Professions Code section 17206, as set forth in the People's prayer for relief.

3 **PRAYER**

4 WHEREFORE, the People respectfully request the following relief:

5 1. That Defendants, and their respective successor corporations and assignees, be
6 permanently enjoined from engaging in unfair competition as defined in Business and Professions
7 Code section 17200, including, but not limited to, acts alleged in this Complaint, under the authority
8 of Business and Professions Code section 17203;

9 2. That the Court assess a civil penalty of two thousand five hundred dollars (\$2,500.00)
10 against Defendants for each violation of Business and Professions Code section 17200, in an amount
11 according to proof, under the authority of Business and Professions Code section 17206;

12 3. That the People recover their costs of suit, including costs of investigation;

13 4. That the People receive all other relief to which they are legally entitled; and

14 5. That the Court award such other relief that it deems just, proper, and equitable.

15
16
17 Dated: April 5, 2023

Respectfully submitted,

18 RONALD J. FREITAS
19 DISTRICT ATTORNEY

20 
21 By: CELESTE KAISCH
22 Deputy District Attorney